



February 15, 2022

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SUPPORT WITH AMENDMENTS: SB528 - Climate Solutions Now Act

Chairman Pinsky, Chairman Guzzone and Members of the Committees

Maryland LCV strongly supports SB528 - Climate Solutions Now Act, and we thank Senator Pinsky for his leadership on this issue. We are grateful for the robust, ambitious policies to make substantive reductions to our state greenhouse gas emissions.

SB 528 provides critical elements that will help Maryland achieve its greenhouse gas emissions including, creating a commitment to net-zero emissions by 2045, transitioning the state fleet to electric, ensuring new buildings achieve net-zero emissions by 2040. Additionally, the bill incorporates some key elements to address environmental injustice related to climate change. We support these provisions as well as the creation of the Climate Catalytic Capital Fund, the Just Transition working group and the Climate Transition and Clean Energy Hub.

We also suggest the following amendments to improve the bill and further address climate justice in Maryland:

- Under Environment Article beginning 1-702 that addresses the identification of and direction of resources to environmental justice communities, Maryland LCV urges that the Senate make the following changes to conform the legislation to efforts being advanced by advocates working with environmental justice community experts.
 1. Include language specifying that **40 percent of the overall benefits from specific federal investments** (i.e. energy efficiency, clean energy, clean water infrastructure, and training and workforce development), as well as in the proposed Climate Catalytic Capital Fund, must be directed to overburdened communities.
 2. Include language requiring all state agencies in Maryland to conduct a baseline assessment of the environmental, climate, equity, and labor impacts associated with any state action. The bill should also include language requiring an additional assessment for any state action that will have an impact on underserved communities. This assessment includes how a state action may impact an underserved community in terms of:
 - a. potential deterioration of public health,
 - b. potential increase of pollution and associated environmental health burdens, and
 - c. potential negative impacts on economic well being or residents. IF a state agency determines that an action will have a negative impact on an underserved community, the Climate Equity Act directs each state agency to:

- i. conduct a mitigation analysis of the measures taken by the agency to substantially decrease or eliminate the negative impacts,
 - ii. assess opportunities to “direct proceeds, benefits, or investments” which may result from the action in such a manner that will benefit the underserved community, and
 - iii. engage in meaningful communication with the public regarding the negative impact(s) and mitigation strategies.
- 3. Climate Solutions Now should include the following definitions of minimum Criteria:
 - a. **“Underserved Community”** shall be at minimum, an underserved community that includes any census tract, as determined in accordance with the most recent United State Census, in which:
 - i. At least 25% of the residents qualify as low-income; or
 - ii. At least 50% of the residents identify as non-white; or
 - iii. At least 20% of the residents have limited English proficiency; or
 - iv. An area or a neighborhood designated by the Secretary of the Environment as an underserved community in accordance with the petition language described below’
 - b. **“Low-Income”** shall be defined as a resident in a household that is at or below 200% of the federal poverty guidelines
 - c. **“Overburdened Community”** at a minimum shall be defined as any community that includes any census tract for which three or more of the below indicators are above the 75th percentile statewide:¹
 - i. Particulate Matter 2.5
 - ii. Ozone
 - iii. NATA diesel PM
 - iv. NATA Air Toxics Cancer Risks
 - v. NATA Respiratory Hazard Index
 - vi. Traffic Proximity and Volume
 - vii. Lead paint indicator
 - viii. Superfund proximity/Proximity to National Proximity List Sites
 - ix. Proximity to Risk management plan facilities
 - x. Proximity to Treatment and Disposal Facilities
 - xi. Proximity to Major Direct Water Discharges
 - xii. Proximity to a confined animal feeding operation (CAFO)
 - xiii. Percent wifi
 - xiv. Asthma Emergency Room Discharge
 - xv. Myocardial Infarction Discharges
 - xvi. Low Birth Weight Infants
 - d. **“Environmental Justice Community”** shall be defined as communities that are both underserved and overburdened.
- 4. Petition Parameters:

¹ The environmental justice advocates are still refining the definition of ‘overburdened.’ Maryland LCV looks forward to working with the Committees to ensure that once that definition has been finalized, it is incorporated into SB538 and other similar legislation.

- a. Subject to subsection (b) of this section and on petition of at least ten residents of an area or a neighborhood located within a census tract that does not meet the criteria specified [in the definition of underserved community or overburdened community, the Secretary of the Environment may designate the area or neighborhood as an underserved community or overburdened community if the Secretary determines that the area or neighborhood otherwise qualifies as an underserved or overburdened community.
 - b. The Secretary of the Environment may deny a petition submitted under subsection (a) of this section if the Secretary determines that the area or neighborhood that is the subject of the petition;
 - i. has an annual median household income that exceeds 125% of the statewide median household income;
 - ii. has a majority of individuals at least 25 years old that have a college education
 - iii. Does not bear an unfair burden of environmental pollution; and
 - iv. Has more than limited access to natural resources including open spaces, water resources, and playgrounds
- **Climate Catalytic Capital Fund:** we urge an increase in the amount of funds allocated to this initiative in order to ensure that it is sufficient to make a substantive contribution to the programs funded by the statewide green banks. Additionally, in this article, we ask that other statewide green banks be eligible for receiving these funds, especially as they support funding projects that serve low and moderate income communities. Most importantly, we strongly urge that this program follow the provisions of Justice 40 and require 40% of the Climate Catalytic Capital Fund investments be directed to overburdened communities as identified above.
 - **Climate Justice Corps:** We encourage the Senate to adopt the worker rights, pay, and benefit proposed for the Maryland Corps by SB228, as well as amendments proposed by our partners at Sunrise Baltimore which urge organizing rights and hiring prioritization for youth, low-income, and other historically marginalized groups.
 - **LMI Community Solar Tax Exemptions:** This provision, as well as the stand-alone bill that supports community solar projects on developed lands that serve Low and Moderate Income households, is a top priority for Maryland LCV. We urge the Senate to keep these provisions as a statewide mandate across counties. We support the amendment promoted by our partners from Anne Arundel County, however, which allows counties to take these mandated provisions further, and provide a property tax exemption for any community solar projects, especially those built on already developed land, serving LMI households.

We are grateful for the leadership and vision presented by Chairman Pinsky in the Climate Solutions Now Act. We respectfully offer and strongly advocate for the inclusion of these clarifying and strengthening amendments and Maryland LCV strongly urges a favorable report on this important bill.